

In the Matter of)
)
Requests for Waiver and appeal of)
Decisions of the)
Universal Service Administrator by)
)
Truth or Consequences Municipal SD)
) CC Docket No. 02-6
Schools and Libraries Universal Service)
Support Mechanism)

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

March 28, 2018

Request for Waiver of the FCC Form 471 Filing Deadline for Funding Year 2018
RE: FCC Form 471 Number: 181007172; Billed Entity Number: 143309, Certified March 24, 2018

Truth or Consequences Municipal School District respectfully requests a waiver of the Funding Year 2018 Form 471 deadline for application 181007172.

Truth or Consequences Municipal School District (The District) began procurement for the 2018 funding year fairly early – unfortunately there were no responses to the early procurement which consisted of a formal RFP process including a walkthrough in which there were vendors in attendance. There was simply no interest in providing fiber connectivity for The District’s elementary school which is in a very rural location in New Mexico.

The District had no choice but to conduct a second procurement. Time was short, but a Form 470 was issued and the 28-day procurement period ended on March 20, 2018 – during the District’s spring break holiday. Responses to the Form 470 were received and an evaluation was conducted. The most cost-effective solution was determined and a letter of award was prepared.

On March 22, 2018 the District’s IT Director and certifier was away, as the District was closed for the week, but he had every intention of certifying the Form 471. Unfortunately, a mechanical breakdown of his vehicle stranded him in a remote location away from Internet Access and he was unable to certify the Form 471 by 11:59 EDT on March 22, 2018.

Upon his return to town and available Internet Access, the certifier certified the Form 471 on March 24, 2018 at 12:05 PM EDT.

In the Academy for Excellence Order released March 9, 2007 the FCC granted Requests for Waiver of the Form 471 filing deadline for applicants who missed the filing deadline due to circumstances beyond the applicant's control such as personal circumstances, illness of staff or illness of family members of staff. Other circumstances validated by the FCC in this order include unclear and vague instructions for filing the Form 471, and technical problems.

In the Bishop Perry Order, the Commission found that a slight delay in USAC's receipt of the applications did not warrant complete rejection of the application.

The above mentioned application was submitted and certified within two weeks of the filing deadline for applicants. In previous years, applications submitted and certified within two weeks of the filing window were viewed by the FCC as meeting the definition of "slight delay" as referenced in the Bishop Perry Order above.

We acknowledge the Commission's concern and emphasis on retaining discretion to evaluate each situation on a case-by-case basis and respectfully request your consideration of our request.

Sincerely,



Mike Torres